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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,980	09/12/2002	Annika Wibeck	1432	3644

7590 10/04/2005
Alfred J Mangels
4729 Cornell Road
Cincinnati, OH 45241-2433

EXAMINER

WON, MICHAEL YOUNG

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,980

Applicant(s)

WIBECK, ANNIKA

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/5/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels, Jr. et al. (US 6,343,327 B2) in view of Burakoff et al. (US 6,782,506 B1).

As per ***claim 1***, Daniels, Jr. teaches of a method of sending mail by means of electronic mail, wherein a sender supplies to a mailing receiver mailing information including addressees and mail contents for distribution of mail to the addressees, said method comprising the steps of:

entering the mailing information into a computer system having a database that contains electronic mail addresses of addressees (implicit: see col.5, lines 17-21);

transmitting the mail contents by electronic mail to addressees who have an electronic mail address (see col.3, lines 49-53);

sorting out for delivery as physical mail that mail intended for addressees (see col.3, lines 45-49); and

upon expiration of a predetermined time period from when electronic mail was sent, sorting out addressees who have not responded to the electronic mail and sending them the mail contents by physical mail (see col.5, lines 40-45; col.7, lines 51-53; and col.10, lines 8-21).

Daniels, Jr. does not explicitly teach of consenting to receive electronic mail from the sender. Burakoff teaches of consenting to receive electronic mail from the sender (see col.2, lines 51-53 & 57-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Burakoff within the system of Daniels, Jr. by implementing a means for consenting to receive electronic mail from the sender within the method of sending mail by means of electronic mail because such means provides the recipient with the control and also ensures that such delivery is not SPAM or junk mail which does not give the recipient a change to consent, but rather is pushed upon the recipient.

As per **claim 2**, which depends on claim 1, Daniels, Jr. further teaches wherein the database includes physical addresses of the addressees (see col.2, lines 29-33).

As per **claim 3**, which depends on claim 1, Daniels, Jr. teaches of further including the step of transmitting to the mailing information receiver, information relating to those addressees who have answered their electronic mail (see col.5, line 66-col.6, line 6).

As per **claim 4**, which depends on claim 3, further teaches of including the step of sending the mail contents by physical mail to those addressees who have not responded within the predetermined time to the mail contents that were dispatched to them by electronic mail (see col.2, lines 20-23 and col.10, lines 8-21).

Conclusion

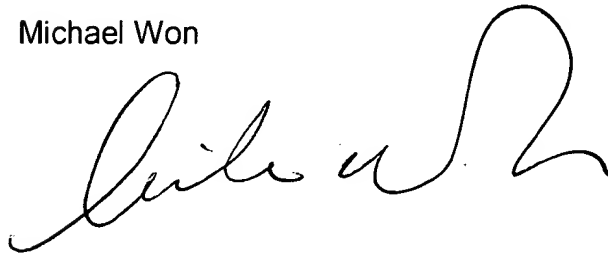
3. Claims 1-4 have been rejected and are pending.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



September 19, 2005



SALEH NAJJAR
PRIMARY EXAMINER